IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION NO.: 3:01CR202-1-RLV

UNITED STATES OF AMERICA)
)
v.)
)
ALBERT ESPOSITO,)
Defendant.)
)

ORDER TO REDUCE TERM OF IMPRISONMENT TO TIME SERVED

THIS MATTER IS BEFORE THE COURT on a motion filed by the United States of America and the Director of the Federal Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), seeking a modification of the term of imprisonment of the defendant, ALBERT ESPOSITO, to time served, and commencement of a five-year term of supervised release previously imposed. The court finds:

- 1. Defendant, Albert Esposito, was found guilty of violating 18 U.S.C. § 371, Conspiracy to Defraud the United States; 18 U.S.C. §§ 1341 and 2, Mail Fraud and Abetting Same; 18 U.S.C. §§ 1343 and 2, Wire Fraud and Abetting the Same; 18 U.S.C. §§ 1956(a)(1)(A)(i) and 2, Money Laundering and Aiding and Abetting Same; 18 U.S.C. §§ 1956(a)(1)(B)(i) and 2, Money Laundering and Aiding and Abetting Same; 18 U.S.C. § 1957(a) and 2, Money Laundering and Aiding and Abetting Same; 18 U.S.C. § 1956(h), Conspiracy to Commit Money Laundering.
- 2. He was sentenced on October 12, 2005, in the District Court for the Western District of North Carolina, to a 360-month term of imprisonment followed by a three-year term of supervised release.
- 3. Mr. Esposito's Good Conduct Time release date is March 22, 2030. He is not expected to survive to that date. His life expectancy is estimated at six months.

4. Mr. Esposito, age 63, was diagnosed with acute myeloid leukemia and suffered a

relapse on September 10, 2013. He suffers from severe cardiac conditions and is not a candidate

for an allogenic stem cell transplant. He is being considered for palliative chemotherapy and

hospice placement due to lack of medical options and the rapid progression of the disease. His

life expectancy is estimated at six months or less and his condition will continue to deteriorate.

4. Title 18 U.S.C. § 3582(c)(1)(A)(i) authorizes the Court, upon motion of the Director

of the Bureau of Prisons, to modify a term of imprisonment upon the finding that extraordinary

and compelling reasons warrant the reduction. The Director of the Bureau of Prisons contends,

and this Court agrees, that the Defendant's limited life expectancy and debilitation constitute

extraordinary and compelling reasons that warrant the requested reduction.

IT IS THEREFORE ORDERED that the defendant's term of imprisonment is hereby

reduced to the time he has already served.

IT IS FURTHER ORDERED that the defendant shall be released from the custody of

the Federal Bureau of Prisons as soon as his medical condition permits, the release plan is

implemented, and travel arrangements can be made.

IT IS FURTHER ORDERED that upon his release from the custody of the Federal

Bureau of Prisons, the defendant shall begin serving the three-year term of supervised release

previously imposed.

Signed: October 11, 2013

Richard L. Voorhees

United States District Judge